

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIAN SOJKA,

Plaintiff,

-against-

STERLING MUDGE,

Defendant.

23-CV-03741 (AT) (RFT)

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

The Court has reviewed Defendant Sterling Mudge’s motion for a stay of proceedings pursuant to the Servicemembers Civil Relief Act (“SCRA”), 50 U.S.C. § 3932. (See ECF 45 and ECF 45-1). Under the SCRA, “a servicemember who is in military service and has received notice of the action may apply for a stay of at least ninety days.” *Torres v. City of New York*, No. 19 Civ. 6332, 2021 WL 4991328, at *1 (S.D.N.Y. Oct. 27, 2021) (citing 50 U.S.C. § 3932(b)). The servicemember’s application must include:

(A) A letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember’s ability to appear and stating a date when the servicemember will be available to appear[, and]

(B) A letter or other communication from the servicemember’s commanding officer stating that the servicemember’s current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter.

50 U.S.C. § 3932(b)(2). Upon such a showing, a stay is “mandatory.” *Grant v. Nat’l Bd. of Med. Examiners*, No. 07 Civ. 996, 2009 WL 1457698, at *9 (N.D.N.Y. May 22, 2009); see 50 U.S.C.

§ 3932(b)(1) (providing that the Court “shall, upon application by the servicemember, stay the action” (emphasis added)). “[C]ourts have held that the provisions of the SCRA are to be liberally construed and applied in a broad spirit of gratitude towards service personnel.”


Galgano v. Cnty. of Putnam, No. 16 Civ. 3572, 2016 WL 11701301, at *1 (S.D.N.Y. Nov. 15, 2016) (quotation marks and citation omitted).

Defendant’s submission fulfills the requirements of the SCRA. (See ECF No. 45-1 at 1.)

Accordingly, the motion to stay is GRANTED, and the action is STAYED until April 1, 2025. The Clerk of Court is respectfully requested to stay the case.

DATED: September 3, 2024
New York, NY

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Robyn F. Tarnofsky', written over a horizontal line.

ROBYN F. TARNOFSKY
United States Magistrate Judge